Drafting a New Wildlife Act in the NWT

CONSERVING WILDLIFE

A new Wildlife Act will provide the tools to manage one of our most valuable resources.

We need your input to ensure the NWT Wildlife Act meets our needs and those of future generations.

101-01330

"The new Act will reflect the unique relationship between people and wildlife in the NWT."

Cover Photo: Terry Parker

Drafting a New Wildlife Act

Minister's Message

Wildlife is extremely valuable to the people of the Northwest Territories (NWT). Aboriginal peoples have traditionally used wildlife as the main source of their livelihood. Wildlife legislation governs the management of wildlife throughout the NWT. It is important that this legislation be both comprehensive and up-to-date to ensure the sustainability of this valuable resource for future generations.

The Government of the Northwest Territories (GNWT) is drafting a new *Wildlife Act*. Your input is required to ensure the new Act meets the needs of all residents of the NWT. The new Act will reflect the unique relationship between people and wildlife in the NWT. It will be compatible with settled land claims agreements, the Constitution and other federal and territorial legislation.

"Your input is required to ensure the new Act meets the needs of all residents of the NWT."

The purpose of this paper is to identify some issues already brought to the attention of the GNWT pertaining to the management and harvesting of wildlife and to stimulate discussion on these issues. I encourage you to bring other issues to our attention.

I invite you to offer your comments on issues relating to wildlife management and harvesting in the NWT. This is a vital first step in drafting a new *Wildlife Act*. Comments and feedback on these issues will be used in the drafting of the new Act. Be assured we will listen and consider all comments on any issues pertaining to a new *Wildlife Act*. We will be seeking your feedback during consultations which will be held in each region. At the back of this document you will find a comment sheet to help you respond to issues raised in this paper. Please fill in the sheet and return it with any other comments or suggestions to your local Resources, Wildlife and Economic Development Office or send it to:

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Mahsi cho.

Stephen Kakfwi
Minister
Resources, Wildlife and Economic Development

we are listening.

Identification of Issues and Needs

Integration of Land Claims Agreements

To date, three land claims agreements have been signed in the NWT: the Inuvialuit Final Agreement (1984); the Gwich'in Comprehensive Land Claim Agreement (1992); and, the Sahtu Dene and Metis Comprehensive Land Claim Agreement (1993). Chief negotiators for the Dogrib Treaty 11 Council, the federal government and the GNWT initialled the Dogrib Land Claim and Self-Government Agreement-in-Principle in August, 1999.

"The GNWT respects the rights set out in the land claims agreements... Nothing in the new Wildlife Act will alter the wildlife harvesting and management provisions of these agreements."

These agreements identify the wildlife harvesting rights of beneficiaries and establish co-management bodies as the main instruments for wildlife management within each respective settlement area. The Constitution of Canada protects the rights and obligations contained in these agreements.

The GNWT respects the rights set out in the land claim agreements. The drafting of a new *Wildlife Act* will allow the GNWT to make changes to the general provisions of the NWT wildlife legislation. Nothing in the new *Wildlife Act* will alter the wildlife harvesting and management provisions of these agreements.

The current *Wildlife Act* recognizes the land claims agreements but there are some inconsistencies. Fully integrating the existing land claims agreements into the new *Wildlife Act* is an essential component of this process. This will ensure that the wildlife harvesting and management provisions of both current and future agreements will be incorporated in a consistent and appropriate manner.

The new *Wildlife Act* should have the flexibility to incorporate the Dogrib Agreement when it is fully completed and any other land claim and self-government agreements that may be negotiated in the NWT.

Compatibility with the Charter and Other Legislation

The current *Wildlife Act* was drafted before the introduction of the *Canadian Charter of Rights and Freedoms*. In the intervening years, other new federal and territorial legislation has resulted in overlaps and duplication of processes.

The new *Wildlife Act* will be compatible with the Charter and other federal and territorial legislation. It will reduce duplication and streamline processes that are dealt with under the *Wildlife Act*.

"It will reduce duplication and streamline processes."

Examples of federal legislation that deal with issues in the new *Wildlife Act* include:

- *Fisheries Act*
- *National Parks Act*
- *Canada Wildlife Act*
- *Migratory Birds Convention Act*
- *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)*
- *Firearms Act*

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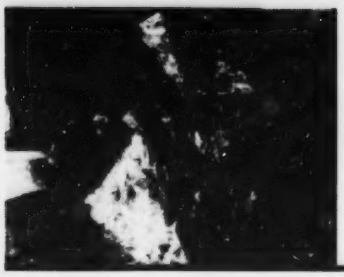

Wildlife Management

Wildlife harvesting continues to be one of the most important economic activities undertaken by Aboriginal people of the NWT. Wildlife is also important to other NWT residents both as a source of food and recreation. Wildlife forms the basis of much of our tourism appeal. Visitors travel from across Canada and the rest of the world for an opportunity to view or hunt wildlife in our pristine wilderness. Ensuring the healthy survival of our wildlife populations is critical to our future.

"Government and wildlife users work together to monitor populations and regulate harvesting."

The Northwest Territories is recognized as a world leader in the successful co-management of wildlife resources. Wildlife management in the NWT is a responsibility shared between government, users and wildlife management boards set up under land claims agreements. These boards are the main instrument of wildlife management in areas where land claims have been settled. Implementation of their decisions and/or recommendations is often accomplished through the *Wildlife Act* and regulations. The government works with the co-management boards to implement the recommendations.

Government and wildlife users work together to monitor populations and regulate harvesting. The *Wildlife Act* provides a number of tools to help manage our wildlife resources including the ability to determine who can harvest wildlife, which species they can harvest and when, where and how harvesting can take place. We need to review these tools to ensure they are effective.

Species At Risk

Most animal populations in the NWT are healthy. However, some species are not doing as well. The NWT is home to seven species listed as endangered or threatened by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). These species need special protection.

The Government of the NWT is developing legislation to protect species at risk. We are seeking public input into the development of this legislation. A discussion paper, ***Protecting Species At Risk in the NWT***, outlines the major issues involved in species at risk legislation. It is available from the Department of Resources, Wildlife and Economic Development. We welcome your comments on these issues.

"The Government of the NWT is developing legislation to protect species at risk."

What Should the *Wildlife Act* Apply To?

The current *Wildlife Act* applies to vertebrates, other than fish, that are naturally found wild in the NWT. This includes mammals such as big game, small game and fur-bearers, birds, reptiles and amphibians. Protecting wildlife habitat is also an important aspect of wildlife management.

- Is this the appropriate scope for the *Wildlife Act*?
- Should the new Act be limited to game animals?
- Or, keeping in mind that we share responsibilities with the federal government and land claim organizations, should the new *Wildlife Act* be extended to include other organisms such as invertebrates, plants and mushrooms?
- Should the new *Wildlife Act* be extended to protect wildlife habitat?
- What role should the Protected Areas Strategy play in the protection of wildlife habitat?
- Does the new *Wildlife Act* need additional mechanisms to protect wildlife habitat?

A discussion paper, *Protecting Species at Risk in the NWT*, is available from the Department of Resources, Wildlife and Economic Development.

we are**listen**ing.

Who Can Hunt?

The land claims agreements set out the rights of beneficiaries to harvest wildlife within settled land claims areas. The new *Wildlife Act* will not affect those rights. However, it could set out residency requirements in the NWT. Right now a person must live in the NWT for two years before becoming a resident hunter. Some people feel this is too long. Others feel it is not long enough. The following table sets out residency requirements for some other Canadian jurisdictions.

"The land claims agreements set out the rights of beneficiaries to harvest wildlife within settled land claims areas. The new Wildlife Act will not affect those rights."

"How long should a person live in the NWT before being allowed to hunt?"

Province/Territory	Primary Residence
NWT	2 years
Yukon	1 year or 60 days if person resided in Yukon for 1 year previously
Ontario	7 months out of previous 12 month period
BC	6 months out of previous 12 month period
PEI, Newfoundland, New Brunswick*	6 months*
Saskatchewan	3 months
Alberta, Manitoba	No waiting period

**New Brunswick also has special provisions to reduce the waiting period to 2 weeks if a person is transferred to the province by an employer or is living in the province for educational training of at least 3 months.*

- How long should a person live in the NWT before being allowed to hunt?
- There have been requests for different residency requirements for some people such as RCMP officers or members of the armed forces. Should this be considered?
- Some Aboriginal people living in the northern parts of provinces have traditionally harvested wildlife within the NWT. Should the new *Wildlife Act* address this situation?
- How should the new *Wildlife Act* regulate the rights of Aboriginal people including NWT Metis? What about other Aboriginal people from outside of the NWT who visit or move here?
- Under the current *Wildlife Act*, a person must be 16 years old before they can get a hunting licence and 14 years old before they can get a minor's permit. Should these age limits be lowered? If yes, under what conditions should the age for hunting be lowered?
- Who should be allowed to trap?

Guiding and Outfitting

Big game outfitting is one of the many ways that wildlife benefits residents of the NWT. Though trophy hunters make up a small portion of total tourists to the NWT, they are generally among the biggest of spenders. Estimates for recent years show the value of big game hunting in the NWT is $10 million annually. Of that amount, economic benefits to the NWT from big game outfitting are as high as $7.3 million annually.

As the popularity of big game outfitting grows, it will be increasingly important to ensure that wildlife guides and outfitters behave in a responsible way towards our wildlife resources and take full advantage of the economic opportunities those resources provide. The *Wildlife Act* could include provisions to regulate the industry. For example:

- Who can be a guide or outfitter? Should residency be a requirement?
- What responsibilities should outfitters have for running a clean, safe camp?
- Should the *Wildlife Act* outline outfitter's obligations?
- Should there be penalties in the Act for not fulfilling these obligations?
- Should the GNWT be able to suspend or remove an outfitter's licence if they do not meet their obligations?
- Some jurisdictions allow "buddy hunting" where a resident can take a non-resident hunting. Should this be allowed in the NWT?

"Big game hunting is one of the many ways that wildlife benefits residents of the NWT. The Wildlife Act could include provisions to regulate the industry."

we are listening.

What Can Be Hunted?

The NWT is blessed with large, healthy wildlife populations. One way of ensuring these populations stay healthy is to monitor and regulate the wildlife harvest. In areas where land claims have been settled, co-management boards work with government to set harvesting limits. The proposed species at risk legislation will identify species at risk that need special protection.

"One way of ensuring these populations stay healthy is to monitor and regulate the wildlife harvest."

The current *Wildlife Act* and *Regulations* set out a system of licences, tags, quotas and seasons to control the level of resident hunting. We have heard a number of suggestions about changes which could be made to this system. For example:

- How should the total allowable harvest be determined and allocated in areas without settled land claim agreements?
- What role should conservation efforts play in determining the total allowable harvest?
- Should hunting seasons be reviewed or changed?
- Should the number of barren-ground caribou tags available to resident hunters be changed?
- Should moose hunting be restricted to a bull moose harvest?

Where Can People Hunt?

For safety reasons, shooting is not allowed across or along any road or highway. We have heard suggestions that the restriction be extended to include a no-hunting corridor along both sides of all public roads or at least along major highways and in high tourist traffic areas.

- Should the new *Wildlife Act* include a provision to allow placing no-hunting zones along a roadway for reasons of public safety?
- Should the new *Wildlife Act* include a provision to allow placing a no-hunting zone along a roadway if it is a conservation issue?

How Can People Hunt?

The *Criminal Code of Canada* and the federal *Firearms Act* restrict the use of certain types of firearms in Canada. Should the *Wildlife Act* regulate the use of other types of hunting equipment? For example:

- Should the *Wildlife Act* regulate the allowable type and caliber of firearms for hunting various species?
- Are there some kinds of hunting equipment that should not be allowed in the NWT? For example, should crossbows be allowed for hunting?
- Should there be regulations about the use of other types of equipment such as trucks, cars, ATV's, boats and snowmachines?
- Should baiting of wildlife be allowed? If yes, who should be allowed to bait and what species should they be allowed to bait?

"Should the Wildlife Act regulate the use of other types of hunting equipment?"

Wildlife Harassment

During the past year, there has been some concern about wildlife harassment by hunters, particularly the use of snowmachines to harass animals during the harvest.

- Should the *Wildlife Act* be strengthened to prohibit all forms of wildlife harassment?
- Should harassment by snowmachines be addressed specifically?

Possession of Live Wild Animals

The Government is responsible for ensuring the proper care of all wildlife in the NWT. Currently, no one is allowed to keep captive, or feed for the purpose of keeping captive, any wildlife unless authorized do so by a licence or permit. This means no wildlife, including birds, may be kept as pets or for sport hunting activities such as falconry.

- Should the possession of live wildlife be permitted in the new *Wildlife Act*? For example, as pets or for falconry.
- If yes, under what conditions?

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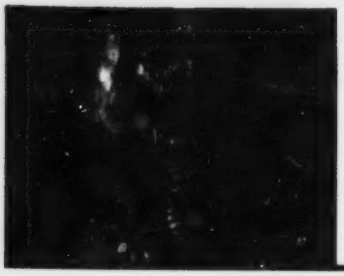


Export of Live Wildlife

No one is allowed to export any live wildlife from the NWT unless authorized to do so by a licence or permit. Federal legislation also requires permits for export or interprovincial transportation of wildlife.

- Under what circumstances should the export of live wildlife be allowed?

"When should an export permit be required for game meat and game by-products?"

Export Permits for Game Meat

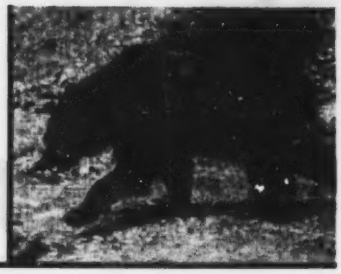
A permit is required to export any wildlife or wildlife parts, other than manufactured products, out of the NWT. Manufactured products include such items as clothing or wildlife products that have been through the tanning or taxidermy process. Some people believe this is too restrictive, particularly in cases where hunters wish to send game as a gift to friends or relatives living outside of the NWT.

- Should packaged game meat and other commercial wildlife products be considered manufactured products?
- When should an export permit be required for game meat and game by-products?
- Should a valid NWT hunting licence be used as an export permit for game meat and game by-products?

Feeding Game Meat to Domesticated Animals

No one is allowed to feed game meat (except for bear, wolf, coyote or wolverine) that is fit for human consumption to any domestic animal. An exception is made for dogs that are used for transportation and are kept at least eight kilometres from a municipality or community. Under these conditions, the dogs may be fed big game or upland birds.

- Should the feeding of game meat to domesticated animals be allowed under the new *Wildlife Act*?
- If yes, what controls should be placed on the feeding of game meat to domestic animals?



Reporting Requirement for Defence Kills

Preventing defence kills is the responsibility of individual hunters, tourists, adventurers, guides, outfitters and industry. You are required to use all precautions to avoid situations where a defence kill is the only option. All defence kills must be reported to a Renewable Resources officer and, where reasonable, the hide of the animal must be turned in to the officer.

- Should changes be made to reporting procedures for defence kills?
- Should compensation be required for any, or all, defence kills? If yes, how should that compensation be determined? To whom would it be payable?
- Should people be required to bring the wildlife or parts such as the hide to a Renewable Resources officer?

Gifts of Game Meat

The sharing or giving gifts of meat is a northern hunting tradition but concerns have been raised about the commercial sale of game meat disguised as a gift.

- Should there be a limit and/or other conditions placed on the amount of game meat a hunter can give away as a gift?
- Should the same limits apply to all hunters?
- Should special provisions be made for game meat harvested for a community feast, special or social event?

Wasting Wildlife

Recognizing that what may be considered waste by one group may not be waste to another, currently the following are not considered waste if they are left behind with regards to ungulates: the head, legs below the knee joints and the internal organs. The blood-shot parts of the carcass may also be cut away and left behind. Bones, including rib bones, that are stripped of meat may be left behind.

We have heard a number of concerns about hunters wasting parts of wildlife including antlers, hides, claws, teeth, meat and other parts of the carcass. The new *Wildlife Act* will recognize that no one wants to intentionally waste game meat.

- What should be considered waste?
- What restrictions should be placed on what can be left on the land?

"...what may be considered waste by one group may not be waste to another..."

we are listening.

Penalties and Enforcement

Concerns have been raised about the limits of penalties, including fines and prison terms, that can be levied following conviction of an offence in the NWT. The NWT has the lowest penalty limits in Canada. The following table outlines penalties levied in the NWT and some other Canadian jurisdictions. It should be noted that many jurisdictions also allow for mandatory suspensions of hunting licences.

"Concerns have been raised about the limits of penalties, including fines and prison terms..."

"The NWT has the lowest penalty limits in Canada."

Province/Territory	Penalty (Fines and Prison Terms)
NWT	Up to $1,000 and/or 12 months
Yukon	Up to $10,000 and/or 12 months Up to $25,000 and/or 24 months if offence in relation to specially protected wildlife
BC	Up to $10,000 and/or 6 months for first offence Up to $50,000 and/or 6 months for subsequent offence In relation to Grizzly bears – up to $25,000 and/or 6 months for first offence and $50,000 or 6 months for subsequent offence
Alberta	Range from maximum of $2,500 and/or 1 month to $10,000 and/or 6 months For some offences, and in relation to endangered wildlife, – up to $100,000 and/or 6 months
Saskatchewan	Up to $5,000 for first offence for individuals and $20,000 for corporations Up to $10,000 for subsequent offence for individuals and $50,000 for corporations In relation to species at risk – fines increase to $50,000 for individuals and/or 6 months for first offence, and $100,000 and/or 1 year for subsequent offences – for corporations, fines can increase to maximum of $200,000
Manitoba	Up to $50,000 and/or 1 year

New Brunswick	Up to $5,000
Nova Scotia	Up to $3,500
PEI	Up to $1,000 or 6 months
NFLD	Up to $5,000 and/or 6 months for first offence, and up to $10,000 and/or 6 months for subsequent offence, in relation to caribou or moose Up to $500 or 6 months for general offences

Concerns have also been raised about Renewable Resources officers' ability to enforce the *Wildlife Act*, particularly as it relates to search and seizure, inspections and powers granted to officers for arrest.

Stronger enforcement provisions may be required in the new *Wildlife Act* to better protect this valuable resource.

Currently *Wildlife Act* prosecution proceedings must be undertaken within one year of the offence. This may limit some prosecutions because of the complex and extensive investigation required to complete cases of wildlife offences.

- Should the NWT increase fines? What should the limits be?
- Should the new *Wildlife Act* include more options for the courts to impose penalties such as forfeiture of illegally obtained wildlife and/or mandatory suspension of licences/permits?
- Should jail sentences be increased?
- Should the time period within which prosecution proceedings may be commenced be increased to three years after a Renewable Resources officer becomes aware of an offence?

"Stronger enforcement provisions may be required in the new Wildlife Act to better protect this valuable resource."

Conclusion

This paper outlines some of the issues pertaining to wildlife management and harvesting that have been brought to our attention in the past several years. We realize that some issues may not be reflected in this document. We need your input and comments on these issues and any others you may identify. If you have comments on any issues relating to a new *Wildlife Act,* please forward them to:

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Or forward your comments to your local
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